



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 8, 1998

Mr. William S. Nail  
General Counsel  
Employees Retirement System of Texas  
P.O. Box 13207  
Austin, Texas 78711-3207

OR98-1411

Dear Mr. Nail:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115736.

The Employees Retirement System of Texas ("ERS") received a request for employment information concerning certain named individuals. You state that the information requested is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with section 815.503 of the Government Code. In addition, you assert that the requested information is protected from disclosure under section 552.024 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from required public disclosure information that is deemed confidential by law, including information that is made confidential by statute. Government Code section 815.503 reads as follows:

Records of members and beneficiaries under retirement plans administered by the retirement system that are in the custody of the system are considered to be personnel records and are required to be treated as confidential information under Section 552.101.

Upon review of the information at issue, we agree that section 815.503 applies to the submitted information. Consequently, ERS must not release the information to the requestor. Gov't Code § 552.101.

As we resolve this matter under section 552.101, we need not consider your other arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID# 115736

Enclosures: Submitted documents

cc: Mr. Rex T. Sherry  
Owner/Manager  
Arbiter Investigations  
6503 Wolfcreek Pass  
Austin, Texas 78749-1825  
(w/o enclosures)